

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

UNITED STATES OF AMERICA,
ET AL.,

Plaintiffs

V.

**SOUTHERN COAL
CORPORATION, ET AL.,**

Defendants

Case No. 7:16-CV-462

By: Michael F. Urbanski
Chief United States District Judge

ORDER

On December 7, 2021, the court granted plaintiffs' Motion to Compel Compliance, and ordered defendants Southern Coal Corporation and Premium Coal Company, Inc. to pay plaintiffs \$1,258,500 in Stipulated Penalties for the Tennessee violations of the Consent Decree within thirty (30) days, and complete any additional stabilization work required by the Tennessee Department of Environment and Conservation at Refuse Area #2, Mine 5A, and Mine 20 within sixty (60) days. Order, ECF No. 62. The court also ordered defendants Southern Coal Corporation and Justice Coal of Alabama, LLC to pay plaintiffs \$1,285,500 in Stipulated Penalties within thirty (30) days. Id.

On January 5, 2022, defendants Southern Coal Corporation, Premium Coal Company, Inc., and Justice Coal of Alabama, LLC filed a motion to stay payment of judgment pending appeal and supporting memorandum. Mot., ECF Nos. 65, 66.

On January 13, 2022, plaintiffs filed a response to defendants' motion to stay payment. Plaintiffs' Response, ECF No. 71. In their response, while disagreeing with

defendants' arguments, plaintiffs did not object to the entry of an Order staying execution of the monetary portions of the court's December 7, 2021, Order pending appeal and waiving posting of a supersedeas bond and/or collateral security pending appeal in the Fourth Circuit Court of Appeals.

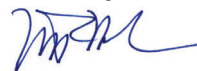
After obtaining leave of court, plaintiffs filed a Supplemental Response on May 13, 2022. Pls.' Suppl. Resp., ECF No. 78. In their supplemental response, plaintiffs advised that defendant Justice Coal of Alabama, LLC had not filed a Notice of Appeal or Disclosure Statement in the Fourth Circuit. As no appeal is pending regarding defendant Justice Coal of Alabama, LLC, plaintiffs objected to the motion to stay payment pending appeal of the stipulated penalties by Justice Coal of Alabama, LLC. Defendants did not respond to plaintiff's Supplemental Response.

After considering the positions of the parties, the court **GRANTS** defendants Southern Coal Corporation and Premium Coal Company, Inc.'s motion to stay payment of the stipulated penalties and waiver of posting of a supersedeas bond and/or collateral pending appeal to the Fourth Circuit Court of Appeals.

As Justice Coal of Alabama, LLC has not appealed the December 7, 2021 Order, the court **DENIES** Justice Coal of Alabama, LLC's motion to stay payment of the stipulated penalties.

It is so **ORDERED**.

Entered: June 22, 2022



Digitally signed by Michael F.
Urbanski Chief U.S. District
Judge
Date: 2022.06.22 13:05:06 -04'00'

Michael F. Urbanski
Chief United States District Judge